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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,039	08/29/2006	Robert Dowe	67,173-002	6478

7590 03/27/2008
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EXAMINER

PIERCE, WILLIAM M

ART UNIT	PAPER NUMBER
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3711

MAIL DATE	DELIVERY MODE
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03/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,039	Applicant(s) DOWE, ROBERT	
	Examiner William M. Pierce	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the smaller play area within the first as called for by claim 12 and the steps of the claimed method in 13-20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. The steps of the claimed method can readily be shown by way of a flow chart.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2-7 and 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Elum 5,566,942.

As to claims 1, 2 and 11, Elum shows a blank grid A with a perimeter for a first and second answer at C. Reference marks are shown in both the numbers and colors. As to claims 3-7, the mark is considered to have a symmetric pattern. For example, spaces marked 5 and 56 are considered rotationally symmetric with respect to the midpoint. As to claim 12, shown is a first play area with first set of clues F' and a second play area F". F" is considered smaller having only 54 clues as shown in fig. 1. As to claims 13-18, shown is a first answer space C and a second answer space C3. The location of the first and second answer space are considered symmetric and having corresponding colored shapes. As to claims 19 and 20, the second coordinates are considered based upon the first coordinates .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3711

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elum in view of Ferguson 4,65,971.

Elum does not use grid coordinates. Ferguson teaches that the use of symmetric coordinates in Elum would have been obvious in order to identify the location of space in the grid.

Claims 1, 2 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over LiDonnici P. E. (US 2004/0183253) in view of Elum (US 5,566,942).

LiDonnici P.E. discloses a grid of blank answer spaces for entering at least a first answer to a first puzzle clued in a first space and a second answer to a second puzzle clue in a second space (figures 1 and 3) as recited in claims 1 and 13. The grid of blank answer spaces includes a perimeter (figures 1 and 3) as recited in claim 2. The game surface having at least one electronic screen, erasable surface, inlaid surface, or printed surface (figures 1 and 3) as recited in claim 11. The grid of blank spaces includes a first playing area for playing a word game using a first number of puzzle clues and a second smaller playing area within the first playing area for playing the word game using a second smaller number of puzzle clues (figures 1 and 3) as recited in claim 12. Shown is determining an answer to a puzzle clue to determine the location of the first answer space (summary) as recited in claim 14.

LiDonnici P.E. does not expressly disclose a reference mark relating the first space to the second space and the reference mark is within the perimeter as recited in claims 1, 2, and 13.

Elum teaches a reference mark relating the first space to the second space (figure 1) and the reference mark is within the perimeter (figure1) as recited in claim 1. By having a reference mark relating the first space to the second space and the reference mark is within the perimeter, one of ordinary skill in the art would provide game players with clues by indicating that the letter to be placed in that square is to be selected from a particular subset of an alphabet.

Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over LiDonnici P. E. (US 2004/0183253) in view of Elum (US 5,566,942) in view of Harris et al. (US 6,491,300).

LiDonnici P. E. in view of Elum further discloses the location of the first space and the symmetric location of the second space correspond to the same colors, in which the examiner interprets the different colors or shapes to be an equivalent to the different location of reference marks being of different color (abstract) as recited in claims 6 and 7.

LiDonnici P. E. in view of Elum further discloses claimed invention as discussed above except for the reference mark includes a symmetric pattern as recited in claim 3. Shown is the grid of spaces includes a midpoint, and the symmetric pattern is

rotationally symmetric with respect to the midpoint as recited in claim 4, the grid of spaces includes a central axis and the first space is located on one side of the central axis and the second space is located on the opposite side of the central axis, and the location of the second space is rotationally symmetric to the location of the first space with respect to the midpoint as recited in claim 5. The symmetric pattern includes first and second shapes, and a location of the first shape in a grid of blank spaces is rotationally symmetric with respect to the midpoint to a location of the second shape in the grid of spaces as recited in claim 7.

Harris et al discloses the reference mark that includes a symmetric pattern (figure 1) as recited in claim 3, the grid of spaces includes a midpoint, and the symmetric pattern is rotationally symmetric with respect to the midpoint (figure 1) as recited in claim 4. The grid of spaces includes a central axis and the first space is located on one side of the central axis and the second space is located on the opposite side of the central axis, and the location of the second space is rotationally symmetric to the location of the first space with respect to the midpoint (figure 1) as recited in claim 5.

The symmetric pattern includes first and second shapes, and a location of the first shape in a grid of blank spaces is rotationally symmetric with respect to the midpoint to a location of the second shape in the grid of spaces (figure 1) as recited in claim 7. By having a symmetric pattern, one of ordinary skill in the art would provide game players with consistent game board of clues to correctly solve the given puzzle.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over LiDonnici P. E. (US 2004/0183253) in view of Elum (US 5,566,942) in view of Harris et al. (US 6,491,300) and further in view of Hoyles (US 4,244,580).

LiDonnici P. E. in view of Elum further disclose claimed invention as discussed above except for the symmetric coordinates include at least one of a symbol, color, number, and letter as recited in claim 9 and the symmetric coordinates of the first space include at least one grid coordinate that is equal to a grid coordinate of the second space as recited in claim 10.

Hoyles teaches the symmetric coordinates include at least one of a symbol, color, number, and letter (figures 3-5) as recited in claim 9. The symmetric coordinates of the first space include at least one grid coordinate that is equal to a grid coordinate of the second space (figures 3-5) as recited in claim 10. By having a coordinate type system, one of ordinary skill in the art would provide game players clues to solve the given puzzle.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Pierce whose telephone number is 571-272-4414 and E-mail address is bill.pierce@USPTO.gov. The examiner can normally be reached on Monday and Friday 9:00 to 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/William M Pierce/

Primary Examiner, Art Unit 3711